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BOARD MEETING
STATE OF CALIFORNIA
INTEGRATED WASTE MANAGEMENT BOARD
EXCERPT

SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT
GOVERNMENT CENTER
21825 COPLEY DRIVE
AUDITORIUM
DIAMOND BAR, CALIFORNIA

WEDNESDAY, OCTOBER 24, 2001
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1 CHAIRPERSON MOULTON-PATTERSON: Okay. As was
2 noticed, we're going to be listening to Agenda Item 30,
3 discussion. And it's scheduled from 2:00 to 3:00. We
4 have a number of speakers, and I would ask that you try
5 and keep your testimony to about three minutes, we'd
6 really appreciate it.

7 Ms. Friedman.

8 ORGANICS AND RESOURCE EFFICIENCY BRANCH MANAGER

9 FRIEDMAN: Good afternoon, Chairman Moulton-Patterson and
10 board members. Agenda item 30 is discussion of South
11 Coast Air Quality Management District's proposed Rule
12 1133, Emission Reductions from Composting Facilities and
13 Related Operations.

14 For the record, I'm Judy Friedman from the Waste
15 Prevention and Market Development Division.

16 As we only have one hour for this item, I will
17 keep my remarks brief and following me will be Mr. Laki
18 Tisopulous, who's the Assistant Deputy Executive Officer
19 from the South Coast Air Quality Management District, who
20 will also briefly address the Board, and his comments will
21 be no more than ten minutes.

22 Upon conclusion of our respective remarks the
23 Board will hear from a number of interested people. And,
24 as you said, we are requesting that each presenter limit
25 his or her remarks to no more than three minutes to allow

1 everyone an opportunity to speak.

2 We also ask for their written comments to be
3 submitted for the record. We will be including in the
4 record all comment letters we've received, and so far we
5 have received 22 letters.

6 With your concurrence, I ask that Board Members
7 hold their questions till the end of public testimony,
8 which will allow you an opportunity to ask your questions
9 of anyone of us.

10 As you may know, the South Coast Air Quality
11 Management District is proposing a rule, 1133, titled
12 Emission Reductions from Composting and Related
13 Operations. The proposed rule currently mandates total
14 enclosure of green material handling and bio-solid
15 processing operations as a means to reduce emissions of
16 ammonia and Volatile Organic Compounds or VOCs.

17 The proposed rule has generated a great deal of
18 concern by staff of our board, our board members and our
19 stakeholders, including local governments and private
20 industry. These concerns relate to the specific impacts
21 of the rule, as well as cross media implications,
22 including data assumptions and data limitations; questions
23 of whether the proposed rule will achieve the desired
24 emission reduction result concerns about increased
25 emissions from the likely alternatives to composting and

1 green material handling, such as increased land-filling
2 and hauling due to the closure of existing facilities and
3 the abandonment of projected facilities; feasibility,
4 including costs of implementation of the rule and
5 increases in ratepayer costs; effects on the
6 infrastructure that have been developed and the
7 jurisdiction's ability to meet AB 939 mandates; and the
8 effects of all of the above have on overall statewide
9 achievement of AB 939.

10 Because of these concerns, Board Member Jones
11 asked and the Board agreed to have an agenda item at this
12 Board meeting to provide an opportunity in a public forum
13 to hear presentations of information about and concerns
14 with the proposed rule and the impacts on AB 939, both
15 locally and statewide.

16 Also, because of these concerns, board staff have
17 devoted considerable time and resources to pursuing
18 satisfactory resolution of this issue. In fact, we have
19 submitted three comment letters to the district raising
20 questions, identifying concerns and recommending an
21 investigation of performance based measures through best
22 management practices as an alternative to the prescriptive
23 standards that the current rule would require.

24 Board staff urgently became aware of the
25 District's intentions to promulgate a rule in October 2000

1 when district staff agreed to include board staff in the
2 development of rule language. However, it wasn't until
3 August 2001 when staff next heard from the district and
4 this was when the proposed rule was noticed to the public.

5 Our current information indicates that the
6 district will be voting on adoption of this rule in
7 January. Since August, there have been two public
8 workshops, one public hearing and several meetings between
9 the staffs of the two agencies. Board Member Jones has
10 been present at several of these meetings and at the
11 hearing.

12 Earlier, I identified for you some of the issues
13 that we have concerning the proposed rule. To illustrate
14 why a rule that pertains to only the South Coast Air
15 District has such far reaching implications, I draw your
16 attention to the following.

17 (Thereupon an overhead presentation was
18 presented as follows.)

19 ORGANICS AND RESOURCE EFFICIENCY BRANCH MANAGER
20 FRIEDMAN: First of all, this rule affects materials that
21 make up a significant portion of the waste stream in the
22 four counties included in the district's area, as well as
23 statewide. This slide shows the components of the waste
24 stream and their estimated proportion in the four counties
25 affected by the district, based on data collected in the

1 Board's 1999 statewide waste characterization study.

2 For this chart yard waste and wood waste have
3 been combined into their own category separate from other
4 organic materials since the yard waste and wood waste are
5 typical feedstocks for compost and processing operations.

6 Note that this shows materials disposed only and
7 does not include ADC or materials diverted through other
8 programs.

9 --o0o--

10 ORGANICS AND RESOURCE EFFICIENCY BRANCH MANAGER

11 FRIEDMAN: The next slide shows how the composition of the
12 waste stream has changed over the past 11 years in
13 response to AB 939. In 1990 yard and wood waste made up a
14 significant portion of both overall materials generated as
15 well as materials destined for disposal.

16 In 1999, they still are an important part of the
17 disposed waste stream, but the amounts disposed have
18 decreased drastically from about 9.8 million tons in 1990
19 to about 5.7 million tons in 1999, despite the significant
20 increase in population, and expansion of the State's
21 economy since 1990 and the fact that 1990 was a drought
22 year, which probably somewhat suppressed generation of
23 clean waste.

24 Although, this data is for the statewide waste
25 stream, preliminary comparisons of statewide data to that

1 for the four county area show the compositions to be very
2 similar.

3 --o0o--

4 ORGANICS AND RESOURCE EFFICIENCY BRANCH MANAGER

5 FRIEDMAN: Industry estimates that about four million tons
6 of yard and green waste are diverted through composting
7 and processing in the four county area. This chart shows
8 that if these materials were to be disposed, yard and wood
9 waste would increase from about 13 percent of the disposed
10 waste stream to about 28 percent.

11 In 1999, about one million tons of ADC was
12 reported in the four counties. Assuming all this was
13 green waste, and even if you assume that this amount would
14 still be diverted, the remaining three million tons added
15 back in the disposal would result in yard waste and green
16 waste still making up about 25 percent of the disposed
17 waste stream.

18 --o0o--

19 ORGANICS AND RESOURCE EFFICIENCY BRANCH MANAGER

20 FRIEDMAN: For comparison, here is the first slide I
21 showed you again, which estimates the current make up of
22 the disposed waste stream. These charts overall show that
23 organic materials make up a significant part of the waste
24 stream, that the disposal of these materials has been
25 greatly reduced as the AB 939 diversion program has been

1 implemented. And if these programs are halted, disposal
2 of these organics would have a major impact on the waste
3 stream.

4 --o0o--

5 ORGANICS AND RESOURCE EFFICIENCY BRANCH MANAGER

6 FRIEDMAN: The previous chart set the context for the
7 current disposed waste stream and some potential effects
8 that PR 1133 could have on it. The next few slides
9 present some information concerning potential impacts of
10 the rule on diversion.

11 --o0o--

12 ORGANICS AND RESOURCE EFFICIENCY BRANCH MANAGER

13 FRIEDMAN: Green waste industry estimates four million
14 tons processed annually in the district.

15 --o0o--

16 ORGANICS AND RESOURCE EFFICIENCY BRANCH MANAGER

17 FRIEDMAN: For the interests of time, I'm going to skip a
18 couple of slides. The diversion requirement slide,
19 basically the most important point is diversion, is
20 measured indirectly through reduction in disposal tons.

21 Green waste diversion programs in the South Coast
22 Air Quality Management District. Information on two of
23 the 12 major types of green waste diversion programs
24 implemented in jurisdictions show that many jurisdictions
25 are relying on green waste diversion. Over 100

1 jurisdictions in the South Coast District are implementing
2 green waste collection programs, and over 60 jurisdictions
3 in the district are using composting facilities.

4 --oOo--

5 ORGANICS AND RESOURCE EFFICIENCY BRANCH MANAGER

6 FRIEDMAN: Potential Impacts on City Operated Diversion
7 Programs. In year 2000 annual reports on progress and
8 implementing diversion programs to achieve 50 percent
9 diversion, 94 percent of the cities and counties in the
10 district report they're implementing at least three green
11 waste programs.

12 This represents a substantial investment by
13 cities and counties and the waste management industry.
14 Please note that the remaining six percent report that
15 they have at least one green waste program. Several
16 jurisdictions have reported tonnage on programs that the
17 jurisdictions operate.

18 For example, Fontana reports that 16 percent of
19 total waste generated is collected by the city green waste
20 collection program. And the City of Los Angeles reports
21 that six percent of total waste generated in the city is
22 collected by the city green waste collection program. In
23 these examples, if these diversion programs were no longer
24 available, then it would reduce these jurisdictions'
25 diversion rates by 16 and six percent respectively.

1 --o0o--

2 ORGANICS AND RESOURCE EFFICIENCY BRANCH MANAGER

3 FRIEDMAN: Thus, this rule as it's currently written, has
4 the potential to jeopardize the achievement and
5 maintenance of AB 939. It should be noted that in every
6 meeting and in our correspondence with the district, we
7 have offered to work together to investigate and develop
8 data to determine what is needed to reduce emissions, and
9 as appropriate to develop a rule, which protects air
10 quality without negatively impacting AB 939 mandates.

11 Board staff has expressed the desire to be a
12 partner with the district and provide our expertise to the
13 districts so the district can achieve its mandate and the
14 Board can meet its mandate as well.

15 In fact, the Board set aside contract funds in
16 Agenda Item 15 to that end, and it is our goal that
17 ultimately we can work cooperatively in this endeavor.

18 This concludes my brief remarks. Following me
19 will be, as I said, Mr. Laki Tisopulous. Following his
20 brief remarks we will move into the public testimony. I
21 want to reiterate that in the public testimony portion of
22 the agenda, we request that each presenter limit his or
23 her remarks to no more than three minutes to allow
24 everyone an opportunity to speak. And we also ask for
25 their written comments to be submitted for the record. It

1 is our intention to submit a copy of all of these
2 documents, plus a transcript of today's discussions to the
3 South Coast for their records.

4 Thank you.

5 Mr. Tisopulous.

6 CHAIRPERSON MOULTON-PATTERSON: Thank you, Ms.
7 Friedman.

8 SOUTH COAST AQMD ASSISTANT DEPUTY EXECUTIVE
9 OFFICER TISOPULOUS: Thank you, Ms. Friedman.

10 Good afternoon, Madam Chair and Members of the
11 Board. My name, for the record, is Laki Tisopulous. And
12 I'm an Assistant Deputy Executive Officer with the agency.

13 I want to thank you all for the opportunity to
14 offer you a brief status report on Proposed Rule 1133.
15 Actually, it's going to be a two-part presentation.
16 Before I turn it over to my colleague, Alene Taber, who's
17 managing the program and who is going to be giving you the
18 details on the proposal, I would like to offer a few
19 introductory remarks.

20 As you may know, the agency has jurisdiction over
21 the four-county area here in south coast, Los Angeles,
22 Orange County, Riverside and San Bernardino. We are the
23 nation's only extreme nonattainment area. And as such,
24 our mission is to bring this area into attainment with
25 both the federal and State air quality standards and

1 protect the public health.

2 Rule 1133, the proposed rule, is a very important
3 rule from that standpoint. It not only improves air
4 quality by reducing emissions but also protects public
5 health, because some of the emissions associated with
6 these operations, such as ammonia, have been considered as
7 a precursor to fine particulates, which are known to have
8 adverse health impacts.

9 As a background, we do develop long-term plans
10 and then we also develop rules and regulations that do
11 implement and execute those plans. And 1133 is one of
12 those. One thing that I want to make sure that you all
13 understand and you keep in the back of your minds, as we
14 develop these rules, we work diligently with all the
15 impacted parties, with all the stakeholders. And we are
16 going to follow the same procedure even with this rule.
17 We do understand that there are a lot of questions and
18 issues, but rest assured that we are going to sort through
19 those and we are going to work with each and every
20 impacted party.

21 And keep in mind whatever we are presenting today
22 to you is a rule in the making. It's a draft rule at
23 best, and it's going to go through several iterations.

24 With that, I'm going to turn it over to Alene
25 Tabor who is the manager of the agency's CEQA

1 socioeconomic and particulate matter control strategy
2 section, and she's going to offer you the brief status
3 report on the rule.

4 Thanks.

5 CHAIRPERSON MOULTON-PATTERSON: Thank you.

6 MS. TABER: Good afternoon.

7 (Thereupon an overhead presentation was
8 presented as follows.)

9 MS. TABER: I have a very brief staff report for
10 you to basically go over our Proposed Rule 1133. And as
11 Laki said, this is really a rule in the making.

12 --o0o--

13 MS. TABER: Just to summarize, the air quality
14 management district is the agency responsible for air
15 quality planning and compliance. And just to give you a
16 sense of what our jurisdictional boundaries are, we have
17 Orange County and the non-desert portions of Los Angeles,
18 San Bernardino and then a majority of Riverside County.

19 --o0o--

20 MS. TABER: You're probably asking the question
21 as to why are we developing rule 1133, Laki alluded to a
22 lot of those reasons. First of all, composting is a
23 source of ammonia. It's also a source of Volatile Organic
24 Compounds. In addition, there are health effects that are
25 associated with these compounds that affect the citizens

1 in our region.

2 We also have to comply with federal and State
3 Clean Air Acts that prescribe us to take certain actions.
4 And, in addition, controlling composting, emissions from
5 composting, is a known technology. No new technologies
6 need to be developed.

7 Just to briefly identify for you some of the
8 health effects that are associated with these pollutants,
9 the top couple health effects are both for PM 10 and
10 Volatile Organic Compounds, but PM 10 is the only
11 pollutant that has actually been linked in studies to
12 premature death, and there are some of the reasons why.

13 --oOo--

14 MS. TABER: We also need to comply with a
15 regulatory structure just like you all comply with a
16 regulatory structure. That includes the federal Clean Air
17 Act. As Laki said, we're the only extreme nonattainment
18 area for ozone, so controlling VOC emissions is very
19 important to this region.

20 In addition, we are a serious area for PM 10 and
21 again PM 10 has very significant health effects associated
22 with it. The California Clean Air Act and the federal
23 Clean Air Act mandate that we do make progress towards
24 achieving healthful air. And I've provided forward you
25 the dates that we are required, under the federal Clean

1 Air Act, to achieve those standards. And in order to get
2 their, we needed to control emissions from all possible
3 sources.

4 As a part of getting and being able to show that
5 we're going to achieve those standards, we developed an
6 air quality management plan that we have to submit to Cal
7 Air Resources Board. We also submit it to the federal
8 EPA. And part of that plan included a control measure for
9 us to control emissions from composting operations. And
10 that plan has been approved by the Cal Air Resources Board
11 as well as by the U.S. EPA.

12 --o0o--

13 MS. TABER: I just want to summarize for you the
14 control methods and technologies we're talking about.
15 They're technologies that are being used by composting
16 facilities. There's one facility in this region as well
17 as in other areas of the United States. They basically
18 involve a combination of enclosure operations, aerated
19 static piles and controlling emissions by vending them to
20 a bio-filter.

21 There are some local projects that are on the
22 books to do various combinations of these, and I briefly
23 summarized those for you. So there is some effort already
24 in this region to control emissions from composting
25 activities.

1 --o0o--

2 MS. TABER: And I do want to note that those
3 facilities are dealing with bio-solids.

4 Basically, our rule, as it stands right now, has
5 two parts to it. There's a chipping and grinding part
6 that I believe you all refer to in your regulations as the
7 processors. For those operations, they would need to
8 submit a compliance plan to the district that would
9 basically entail the steps that they were going to take to
10 reduce fugitive dust emissions. So it would involve
11 things like watering, putting up screening. There is no
12 requirement for chipping and grinding operations or
13 processors, as you refer to them, to enclose or control
14 their emissions with a bio-filter.

15 The second part of the regulation deals with the
16 composting portion. And right now the version that we've
17 put out for public comment does call for enclosure of the
18 various portions of a composting facility, whether they be
19 green waste or bio-solids and that those emissions be
20 vented to a bio-filter and that that would occur by 2004.

21 But I guess I want to really underline the fact
22 that this is a work-in-progress. We're taking comments on
23 this. Based on public comments that we get an additional
24 information we pull together, we'll revise what the
25 operational requirements are.

1 --o0o--

2 MS. TABER: I think your staff summarized a lot
3 of the key issues. I just want to go over a couple of
4 them. We did hear comments both from your staff and from
5 people in the industry that our emissions inventory was
6 lacking in good data with regards to green waste. And we
7 concurred with them. So right now we are doing a green
8 waste emissions study at a composting facility that only
9 does green waste.

10 Based on the information that we receive from
11 that study, we'll go back and revise our proposed
12 regulation. We're doing some cost effectiveness analysis
13 and we're also looking very seriously at the issue of AB
14 939. And I was very happy to see the information that
15 your staff presented you today, because we'll use that in
16 conjunction with other information we have to determine
17 what potential impact this rule might have on achieving
18 those standards, and then ways that we'll modify the rule
19 in order to lessen those impacts.

20 Just for your information, some of the stuff that
21 we were able to gain off of your web site and other
22 information showed that actual green waste composting was
23 probably far down on the list. It seems that a lot of the
24 diversion that is going on from the landfills is going to
25 ADC. And this regulation does not require covering or

1 emission control of any ADC.

2 The part of the ADC activity where there's
3 chipping and grinding would need to produce a compliance
4 plan, but there's no requirement for cover.

5 And then we're looking at whether or not we
6 should bury the enclosure requirement based on a facility
7 which is dealing with putrescible wastes, bio-solids, that
8 kind of thing versus green waste and whether or not we
9 need to require cover for all aspects, the feedstock, the
10 curing as well as the active composting.

11 --o0o--

12 MS. TABER: And just to briefly summarize for
13 where we are in the rule development process, we went
14 through a very lengthy process when we adopted our air
15 quality management plans, where this was a part -- this
16 was subject to public review and comment. And then we
17 started our specific rule-making process in October of
18 2000 with a public consultation meeting. We've done a lot
19 of site visits. I believe now we've been to almost every
20 compost and chipping and grinding facility in the region.
21 Maybe we have a couple more chipping and grinding
22 facilities to go to.

23 We've been able to collect a lot of test data.
24 We had a lot of our own test data on bio-solids that we've
25 been able to use. And we've held a number of workshops.

1 We're going to continue to hold workshops. Our next
2 workshop is in November, and we'll follow that up with
3 additional workshops before our board would consider this
4 rule in January.

5 That concludes my presentations, and I'd be happy
6 to answer questions at the end.

7 CHAIRPERSON MOULTON-PATTERSON: Thank you. We'll
8 now go to our public comments. And, again, please try and
9 stay either beneath or within the three minutes, because
10 we have a great deal of people that would like to speak.
11 Robert Nelson, Riverside County.

12 MR. NELSON: Thank you, Members of the Board.
13 And we sincerely appreciate the opportunity to come and
14 speak. We also appreciate the fact that you have taken
15 the time to listen to some of the issues that affect not
16 only the industry, but we as agencies in the south coast
17 basin are deeply concerned about 1133 as we currently
18 understand it.

19 There should be no question about the fact from
20 my agency that we clearly want clean air. There's
21 probably no area of the south coast basin that is more
22 appreciative of trying to achieve those goals than we in
23 Riverside County.

24 I don't think that's the question we're here to
25 talk about. We want clean air. It's the question of how

1 we go about getting it and whether the rules are fair and
2 reasonable in the process of developing them.

3 There's no question, also, that there are two
4 very clear competing State goals. And we must reach a
5 reasonable sense of compromise in trying to achieve both
6 of those goals, clean air as well as diversions that we're
7 mandated by the State to achieve.

8 We've written three separate letters to the South
9 Coast Air District about this issue. One was on behalf of
10 our local task force and two was on behalf of our staff
11 and county. And I would like for the record to at least
12 enter those letters into the record. I do not believe
13 they were forwarded to your agency.

14 Our local task force set up a subcommittee in
15 1999 to take a very serious look at the issue of green
16 waste diversion, wood waste diversion in our county. We
17 worked on that issue for several months and basically
18 reached the conclusion, as I think most every agency does,
19 and that is that there are insufficient outlets.

20 And partly because of that study, we began for
21 the first time, at that time, began using some of this
22 material for ADC. It's vitally important that we not kill
23 this industry by whatever process it is. And I think the
24 studies helped us bring that group together, understand
25 where our deficiencies were and we're trying to support

1 and improve that industry in our county.

2 The rule, as written, we believe will kill the
3 current industry in our county. It may be different
4 elsewhere, but that's certainly my judgment as the way
5 it's currently written. These products will simply end up
6 in our landfills. And that's something I don't want and I
7 don't think the State wants that either.

8 We believe that the rule should focus -- is that
9 my three minutes?

10 CHAIRPERSON MOULTON-PATTERSON: Yeah, if you
11 could conclude now, please.

12 MR. NELSON: Let me just quickly finish. We
13 think the rule should focus on bio-solids first, try to
14 get that area covered in the detail that's needed, get the
15 studies done that are needed to prove that this really is
16 an air emission problem with green waste and wood waste
17 and then go on with a second rule dealing with that issue.

18 We don't think there's data available that proves
19 to us that it is clearly the issue that it seems to be nor
20 are there economic studies available to show the impact.

21 We think it will stop the wood waste diversion
22 even to the Colmac Energy Plant in our State. There's
23 another third State interest in terms of energy that is
24 critical to us.

25 Let me just close, again, by saying thanks for

1 letting us speak, thanks again for taking the time to
2 listen to the impact of a rule from a sister agency might
3 have on some of your goals.

4 Thank you.

5 CHAIRPERSON MOULTON-PATTERSON: Thank you, Mr.
6 Nelson.

7 Gregory Adams, Los Angeles County Sanitation
8 District, followed by David Hardy.

9 MR. ADAMS: Thank you, Madam Chair. My name is
10 Greg Adams and I'm the Air Quality Manager for the LA
11 County Sanitation Districts.

12 I'm speaking on behalf of SCAP, the Southern
13 California Alliance of POTWs representing 55 water and
14 waste water agencies in Southern California. And all 54
15 other members are right behind me to speak.

16 No, I'm only kidding, but don't let the lack of
17 repetition, in anyway, diminish the concerns of our
18 industry today.

19 Bio-solids disposal is a significant concern to
20 all waste water agencies. And after salaries and
21 benefits, it is the singular highest budgeted item and
22 extremely important. The six largest generators of
23 bio-solids in the four county jurisdiction of the AQMD
24 generate about 1.2 million tons per year of bio-solids.

25 Now, any regulation that potentially impacts any

1 of those disposal options of bio-solids or increases
2 diversion towards landfills as a result of increasing
3 costs to treat the bio-solids is of tremendous concern to
4 our 55 member agencies.

5 The Air Quality Management Plan, as sets forth
6 the guideline for the rule, had a two-part component to
7 the rule. And the components were a study phase to
8 establish the emissions base line and then number two if
9 the emissions base line was of sufficient concern, then we
10 would go into a Phase 2 or a technology implementation
11 approach. We have several concerns just on the first part
12 alone, the development of the emission inventory.

13 Number one, we do not believe that the emission
14 inventory has been adequately developed. The base line
15 emissions data for bio-solids derives from old source test
16 reports back in 1991, 1994 and 1995. If anybody
17 understands how bio-solids work, the tributary areas
18 contribute to the quality of the bio-solids. And if
19 industries move out in that period of time, the quality of
20 the bio-solids change.

21 So consequently those old source test reports are
22 not representative of the emissions potential that the
23 staff believes is available in this particular rule
24 making. We are not aware of any source tests conducted
25 for any green waste operations. And only recently have we

1 become involved in a source test protocol, a fairly
2 sophisticated one, for green waste composting operations.
3 Also, we're not clear about how staff gets the through-put
4 data.

5 We've proposed to staff, this is the waste water
6 agencies, a test program to close or at least narrow the
7 gaps. Essentially, we've found that the base line
8 emissions or starting part that the AQMD is using is too
9 high based on open windrow composting and that more modern
10 techniques will show that that will not be the case. The
11 emissions reduction potential is not there. We are
12 proposing a six-month test program at the cost to the
13 waste water agencies of about \$125,000.

14 We're proposing to test four agitated enclosed
15 aerated static pile operations that are completely
16 contained so that we can accurately measure the emissions.
17 And we would want the Integrated Waste Management Board's
18 support of that test proposal. We're not trying to undue
19 the rule, we're trying to improve the scientific basis
20 behind the rule.

21 And then, finally, let me just say that a
22 one-size fits all approach to the great diversity of waste
23 handling options in the district as well as the State, we
24 think is wrong. It greatly removes any innovation in the
25 industry to develop better composting and control schemes.

1 Thank you very much for the opportunity to speak.

2 CHAIRPERSON MOULTON-PATTERSON: Thank you Mr.

3 Adams. David Hardy, California Biomass to be followed by

4 Gary Van Dorst.

5 MR. HARDY: Good afternoon. I'm going to start

6 off with a couple of compliments. Everybody just relax.

7 First of all, I want to thank the Board, in

8 particular Board Member Jones, for kind of helping the

9 industry and all the various stakeholders to get organized

10 and focused on this issue. I also want to point out

11 something, too. In the years that I've worked with the

12 Waste Board as we've developed policies for the industry,

13 I've always felt there's been a level of respect for

14 integrity and process, in that there was an effort to

15 actually be effective and do problem solving. We didn't

16 always agree on what the ultimate solution is, but I

17 always felt you maintained a certain level of integrity in

18 that staff also represented that intent in working with

19 industry and working through those types of technical

20 problems.

21 The process we're faced with the South Coast Air

22 Quality Management District, in respectful disagreement as

23 to what's been presented here, has no integrity. They've

24 already signed an administrative agreement of which we've

25 all been terrified to find out that the data that they

1 used to base that agreement, that plan, that commitment
2 they make is tragically flawed. And instead of taking a
3 step back from that and trying to come up with some type
4 of solution that is based on some type of fundamental,
5 reliable data, they refused to do so.

6 They're not interested in solving a problem,
7 they're interested in patching up flaws in their process.
8 And they're driving this thing through and it's built on
9 straw.

10 They're asking industry to look at a solution
11 which is devastating. And yet they don't demonstrate the
12 basic respect of having us at least confront us with a
13 clearly defined problem, and then working towards a
14 reasonable solution. Instead, what we're confronted with
15 is flawed data, a refusal to actually engage industry and
16 build and collect that data, and then go through some type
17 of reliable process that sits there and works on
18 solutions.

19 So I ask you as you talk to your counterparts at
20 both the Air Board and some of the other sister agencies,
21 that this is the message that you take, that there is a
22 blatant stubbornness on the part of this effort to develop
23 this rule that lacks integrity. And we're being asked to
24 submit to something that really none of us can understand.
25 We have yet to have the problem and the benefit clearly

1 defined to us. And we ask that you pass that message
2 along, because we can fix this.

3 Thank you.

4 CHAIRPERSON MOULTON-PATTERSON: Thank you. Gary
5 Van Dorst to be followed by John McNamara. The City of
6 Redlands.

7 MR. VAN DORST: Good afternoon. For the record,
8 Gary Van Dorst, solid waste manager for the City of
9 Redlands. The City of Redlands' staff have participated
10 in SCAQMD's rule-making process for PR 1133. We formally
11 commented on both PR 1133 and on the iteration of this
12 rule 1133(b).

13 In the interests of brevity I'd like to begin by
14 mentioning that we've provided copies of these comments to
15 the Waste Board staff. The Waste Board should be apprised
16 that the City Council of the City of Redlands has directed
17 city staff to participate in the rule-making process and
18 further that the Redlands City Council authorize staff to
19 communicate with local legislators to make them aware of
20 the potential impacts to Redlands residents.

21 I'd like to take a minute to highlight just some
22 of our concerns. First and foremost, the cost of
23 complying with PR 1133(b), as currently proposed, is
24 simply prohibitive. Consider the City of Redlands
25 situation. We utilize a private composting facility to

1 process the city's green waste. The cost of the building
2 enclosure requirement for that facility would likely cost
3 in excess of about six and half million dollars. That's
4 based on a very conservative assumption of construction at
5 a cost of \$15 a square foot. The actual cost is probably
6 closer to about \$25 a square foot.

7 The cost of financing the building enclosure
8 requirement over 20 years would be about \$635,000 a year.
9 That doesn't include the enormous energy costs required
10 under 1133 associated with air exchange and emission
11 controls nor does it include the cost of converting from
12 and aerated windrow process to either static aeration or
13 an in-vessel process.

14 If just the cost of the building enclosure was
15 passed on to the city, the rate impact to the city's rate
16 payers would be \$3 per month per household. Such an
17 increase would come at a time when municipalities such as
18 Redlands are struggling to get from an average of about 42
19 percent, that's where our standard calculator puts us
20 right now, to close the gap between that diversion rate
21 and 50 percent.

22 Of course, no bank would finance the capital for
23 such an improvement, in the absence of a 20-year put or
24 payment agreement on the basis of which our contractor
25 would be able to collateralize the loan. And, of course,

1 we're not aware of any agreement in our region that
2 involves 20 year put or payment or 20 year terms. And can
3 you imagine what the lender's rights clauses would have to
4 be in such an agreement for the bank to feel comfortable
5 about collateralizing that term of a loan.

6 Again, we've provided Waste Board staff with our
7 comments. And, in conclusion, we believe that PR 1133
8 incentivizes land-filling. We believe that it will force
9 some facilities out of business, potentially resulting in
10 a net increase of air emissions due to the long haul of
11 waste outside of the region.

12 We believe that PR 1133 is likely to further
13 incentivize the abuse of green waste as ADC due to the
14 destruction of compost markets. And, finally, we believe
15 that this rule will make local compliance with AB 939
16 onerous and very expensive. There are effective
17 alternatives to the building enclosure requirements.

18 Thank you.

19 CHAIRPERSON MOULTON-PATTERSON: Thank you.

20 John McNamara, Taormina Industries to be followed
21 by John Richardson.

22 MR. McNAMARA: Good afternoon, Board Members.
23 Thank you very much for the opportunity for us to speak on
24 this. I come from industry. I work for Taormina
25 Industries, and we provide solid waste services, including

1 collection, processing, recycling and disposal to seven
2 cities in the northern Orange County and two cities in San
3 Bernardino County. I'm commenting on Proposed Rule 1133.

4 We've provided the written comments that we've
5 made to AQMD to you. We've CC'd you on those, so I'm
6 going to boil my comments down to a couple of key issues,
7 and I'd like to title my issues, "All Dressed Up and
8 Nowhere To Go".

9 We serve cities and residents who are faced with
10 the significant task of achieving the AB 939 compliance
11 goals. And we're a partner with them in doing that. AB
12 939 compliance has required significant efforts on their
13 parts and on our parts to achieve what we've achieved to
14 this point, and that has included a great amount of
15 expense and capital cost to get trucks and facilities to
16 collect green waste materials and implement green waste
17 collection programs.

18 And that's been a tremendous effort, tremendous
19 capital expense, and it's not been a little task. It's
20 been a great effort and there's been a great success in
21 that. And you've seen from the numbers that you have that
22 green waste collection and processing has resulted in a
23 tremendous amount of diversion from landfill disposal.

24 What we see in Orange County is that
25 approximately 2,000 tons per day of green waste, and this

1 is base on August data, which is about 26 percent of the
2 overall waste stream is diverted from landfills at this
3 time.

4 The cities rely on those markets that those green
5 waste materials are now going to and the stable costs that
6 are associated with those to be able to achieve the goals
7 of AB 939 and to provide those services to their rate
8 payers and at a reasonable price. So we need to process
9 this material. We need the processors, even though we're
10 limited in what we do in terms of composting and their --
11 and the AQMD staff is talking about limiting the rule
12 requirements for chippers and grinders which we do a
13 tremendous amount of.

14 We still need the end uses. And so we need a
15 place for this material to go. If it doesn't have a place
16 to go, then all effort that we've made towards collecting
17 and providing facilities to move this material out to end
18 uses will be for nothing. This rule, we believe, will be
19 based on the comments you've heard to this point. And the
20 written comments you've gotten will severely limit those
21 facilities, if not, completely close them down. And so
22 the end uses, the places for this material to go, will
23 just go away.

24 We're not sure what would happen in the absence
25 of those facilities, but, you know, we'll be stuck with

1 all the infrastructure and vehicles and all the cans and
2 everything else that's been put in place to collect these
3 things and we'll have nowhere to bring it to.

4 That concludes my comments. Thank you, again,
5 for allowing us to talk to you.

6 CHAIRPERSON MOULTON-PATTERSON: Thank you.

7 John Richardson, Community Recycling to be
8 followed by Jim Sullivan.

9 MR. RICHARDSON: Good afternoon, Madam Chair and
10 Board Members. I would like to thank the Board for their
11 active participation displayed so far in this very
12 important issue. I have attended every meeting that the
13 AQMD has had on this issue so far, and I've asked what
14 data do they have as it applies to green waste facilities?

15 And they've said they've had none. I've offered
16 them tours of our facilities, both our green waste
17 grinding operation out in Sun Valley as well as our Kern
18 County green waste compost facility. Every time they've
19 nodded their heads and said that they would contact me,
20 and to date I have not heard from them. In addition, I've
21 written two letters offering tours.

22 What doesn't make sense is that I'm one of -- our
23 facility is one of the largest green waste receiving and
24 grinding and transferring facilities in southern
25 California. And, in addition, we also have, I believe,

1 the largest green waste compost facility in the State.

2 The air district's proposed rule would also
3 require enclosing facilities. Just to enclose our green
4 waste receiving transfer station out in Sun Valley would
5 require approximately a three-acre building with very
6 special air handling equipment.

7 This cost would be approximately \$12 million.
8 How would we recoup this cost? Our customers, the cities,
9 usually have us bid on one-year contracts which
10 occasionally they have some options on them for additional
11 renewals, but it's still a one-year contract.

12 Will the cities be able to absorb those
13 increases? In today's budget economy and budget conscious
14 economy, I'm not sure.

15 What concerns me even more is that this rule
16 expands into the San Joaquin Valley District, and requires
17 our 190-acre compost facility to also be enclosed. This
18 would just not even be feasible and it would put us out of
19 business.

20 Thank you.

21 CHAIRPERSON MOULTON-PATTERSON: Thank you.

22 Jim Sullivan, Association of Compost Producers to
23 be followed by Scott Deatherage.

24 MR. SULLIVAN: Madam Chair, Members of the Board,
25 thank you for this opportunity. My name is Jim Sullivan.

1 I am the President of the Association of Compost
2 Producers. And our primary concerns are survival, at this
3 point in time.

4 Most of us are privately held small independent
5 providers that have worked within the framework of larger
6 haulers, municipalities and jurisdictions. The services
7 we provide are economic and efficient. As has been
8 stated, all of our revenues are based on contracts that
9 are short-term in duration. The economics of this
10 situation make it an impossibility for us to meet the
11 proposed regulations of PR 1133.

12 Additionally, specifically the enclosure of
13 storage and cure make it impossible for anybody regardless
14 of the economics to comply with this issue. When you
15 think about the length of time it takes for compost to
16 mature, six months to a year, depending on the facility,
17 and the storage that's required, again, because of the
18 seasonality and cyclic conditions of our markets, it's not
19 feasible.

20 This rule should be performance based and not
21 prescriptive. It completely obligates -- it doesn't
22 obligate, but it restricts us to a single form of
23 compliance without opportunity for initiative or better
24 thought or process.

25 There are some charts that show what the costs

1 are.

2 (Thereupon an overhead presentation was
3 presented as follows.)

4 MR. SULLIVAN: This is just a very simple
5 comparison. These numbers are dollars per ton of costs
6 per day of capital, Las Virgineous, which is the example
7 which was given to us early on in this by the AQMD,
8 approaches more than \$800,000 per ton per day for
9 construction costs.

10 After their improvements, it's still going to be
11 in excess of \$400,000. These lower numbers here represent
12 what private enterprise can do, but even the most
13 efficient and the largest facilities exceed \$25,000 per
14 ton per day of capital costs.

15 This is a cost that's going to be disastrous to
16 our industry. We've made several environmentally sound
17 diversion capabilities over the last 10 years. However,
18 the solutions that are being imposed by this rule would
19 completely destroy that situation. The rule is
20 specifically saying it's looking for ammonia and PM 10.

21 We feel that this is not necessarily the
22 situation, that ammonia is a waste product of not aerobic
23 conditions, which we as composters maintain, but rather
24 anaerobic. We ask that you consider funding additional
25 opportunities for study, for comparison of both the

1 information, which the AQMD is amassing, and correlate it
2 to industry as a broader whole.

3 We thank you for this opportunity.

4 CHAIRPERSON MOULTON-PATTERSON: Thank you. Scott
5 Deatherage of the San Joaquin Composting to be followed by
6 John Gulleage.

7 MR. DEATHERAGE: Madam Chair and the Board, thank
8 you for the opportunity. My name is Scott Deatherage.
9 I'm with San Joaquin composting, McCarthy Family Farms.
10 We're a large scale composting facility up in Kern County.

11 Our main concern about this, yeah, we're out of
12 the South Coast AQMD, but most of our feedstock comes from
13 the south coast area. But more importantly, I think our
14 biggest concern is that right now we're in rule
15 development for PM 10 in the San Joaquin valley district.
16 And often times and more times than not, they just pick up
17 the South Coast rule and just adopt it into the central
18 valley.

19 Within probably three to five years, I would see
20 this rule hitting us really hard in the central valley.
21 No question, we're in 120-acres of compost facility.
22 We've composted about four million tons of municipal waste
23 in the last ten years. If we had to enclose a 120-acre
24 compost site, there's no way. The economics aren't there.
25 I think we really need to study the economics here. I

1 think we need to really look at the economics, the cost of
2 emissions reductions per dollar spent for -- you know, we
3 need to do a cost benefit analysis.

4 I don't think that the tonnage or the emissions
5 reductions that they were looking at here, I think were
6 minuscule compared to the cost of this. And so those are
7 my points.

8 Thank you.

9 CHAIRPERSON MOULTON-PATTERSON: Thank you.

10 John Gulleage, Los Angeles County Sanitation
11 District to be followed by Patrick Heaney.

12 MR. GULLEAGE: Good afternoon, Madam Chair and
13 Board Members, John Gulleage, LA County Sanitation
14 District.

15 I'm in charge of the District's Solid Waste
16 Management Department. You heard one of my co-workers
17 earlier, Greg Adams, who talked to you about the other
18 side of our business which is bio-solids or waste water
19 treatment.

20 Just a few comments about the rule. We have
21 submitted letters to you that you have on file for the
22 record as well. But some comments about the rule.

23 First of all, we heard earlier the rule target is
24 VOCs and ammonia emissions, ammonia being a surrogate, I
25 guess, for precursors of PM 10. We've also heard a little

1 bit about there are some other objectives behind the rule
2 concerning dust and odor.

3 Who's going to be impacted a from a solid waste
4 perspective, not looking at it as for waste water issues
5 here. Basically, it's going to be all chipping
6 facilities, landfills, transfer stations, materials
7 recovery facilities.

8 What are their requirements? We heard the AQMD
9 staff talk about basically a compliance plan, but within
10 that compliance plan, at least as I understand it at this
11 point, there's some issues there of concern to us.
12 Basically, there's some monitoring programs, monitoring
13 for VOCs, monitoring for temperature associated with the
14 green waste piles that you may have on site, things of
15 record keeping and other things associated with the
16 compliance plans as well.

17 But those bring issues forward and concerns to an
18 operator of the landfill for usages of the materials that
19 we generate. Now, in terms of the types of things these
20 get used for, you know, we have a green waste grinding
21 operation associated with our landfills. It goes to ADC.
22 It goes to composting. It goes to erosion control. It
23 goes to agricultural purposes. So there's a whole myriad
24 of impacts, potential impacts, on a lot of different
25 issues.

1 We're hearing a lot from composters tonight, but
2 it also impacts the ADC portion of this. And the reason I
3 say that is when you get into looking at the rule, it
4 starts talking about temperature issues and requirements
5 for keeping the temperature of the material below certain
6 levels. This is going to create issues of compliance at
7 landfills for the ADC that we receive.

8 Often times, we may receive materials coming in
9 to the site at the outset that may exceed these numbers,
10 which create problems for us.

11 Now, you're in violation of the rule. So that's
12 an issue that we don't take lightly. It's certainly of
13 concern, because we always want to be in compliance with
14 the rules and requirements.

15 As you go through the rule, other things jump out
16 at us. And, again, it is related to the composting side.
17 We read it. We do see significant impacts on that
18 industry in terms of how they're going to be in compliance
19 with those rules. It's not often, I guess, but some of
20 these meetings I find myself on the same side of the table
21 with them. But we are concerned about the rule. We do
22 think that there are issues here that need to be addressed
23 more fully and completely, and as it relates to how it
24 relates to ADC, because we do see a need for this to be
25 exempted potentially or we need some sort of criteria here

1 on storage limits.

2 I guess my time is up, so I will wrap it up at
3 that point.

4 Thank you.

5 CHAIRPERSON MOULTON-PATTERSON: Thank you.

6 Patrick Heaney, Apollo Wood Recovery, to be
7 followed by Michelle Randall.

8 MR. HEANEY: Board members, I'm Pat Heaney. I
9 think everything that I had to say has already been said.
10 I oppose the rule. It's financially unfeasible to adhere
11 to this rule. And there's simply no way to recover what
12 costs would be required.

13 Thank you.

14 CHAIRPERSON MOULTON-PATTERSON: Thank you.

15 Michelle Randall, resident, to be followed by
16 Matt Cotton.

17 MS. RANDALL: Ladies and gentlemen, my name is
18 Michelle Randall. I'm speaking in favor of Rule 1133. I
19 recently visited the Needes Murphy in Rocklin County, New
20 York. Really cool.

21 What made it neat was the attitudes of the
22 government, the people who run it and the residents in
23 general, back there. They are focused on achieving 100
24 percent recycling and they're getting there for their
25 county.

1 They take the stuff that they sort and they
2 recycle it and they return it to each city. The kids vote
3 on where they're going to spend it for the children. One
4 little town last year made \$38,000 and put in a new park.

5 Under those conditions, best management practices
6 worked. Here we have AB 939 and Proposed Rule 1133 in the
7 hopes that we can force people to recycle. Kind of a
8 sorry thing, best management practices don't really work
9 where the best management is making lots and lots of money
10 from recycling.

11 I live in Corona. I'm about two miles from
12 Synagro Composting Site, El Sobrante Landfill and Force
13 Fiber Wood Chipping Facilities, all in a little group.
14 I've been a strong opponent of the Synagro facility,
15 because I have first-hand knowledge of exactly how their
16 ammonia and VOC emissions have affected my neighbors and
17 me. This is from two miles away.

18 I supported the expansion of El Sobrante Landfill
19 strongly. I spoke in their behalf. I was assured that
20 traffic and diesel fumes would not really increase with
21 the expansion because the garbage would be hauled in just
22 in larger trailers. Well, they've got their expansion.
23 The traffic is terrific. The diesel fumes are increasing
24 and that's why we need 1133.

25 I like the kids that run Force Fiber. I've never

1 complained about their operation. Unfortunately, they
2 have now changed to chipping at night to stay away from
3 complaints to the AQMD about the dust. I work nights and
4 when I come home a lot of times I can hardly see the
5 lights because of the dust from their chipping operation.
6 That's PM 10.

7 As you all know, Force Fiber's PM 10 and
8 Cinigrow's emissions all add on more smog, which adds on
9 to El Sobrante Landfill, which is why we need 1133.
10 There's a saying out there, "If it ain't broke, don't fix
11 it". Well, these folks that are running these outfits and
12 are profiting are figuring it ain't broke. Unfortunately,
13 I'm a resident. I can look around and see that it is
14 broke, and I sure hope that you guys will help fix it.

15 CHAIRPERSON MOULTON-PATTERSON: Thank you.

16 Matt Cotton, IWMC to be followed by Sean Edgar.

17 MR. COTTON: Thank you very much, Madam Chair.

18 Matt Cotton, Integrated Waste Management Consulting,
19 Nevada City. Just, first of all, a house keeping matter,
20 here's a letter from Inland Empire Utilities Agency. They
21 weren't able to attend the meeting, but I want to submit
22 their testimony.

23 And, you know, I understand we've got a time
24 frame here and I'd really love to try to summarize all of
25 my points in three minutes. I can't do it. I've been

1 rewriting it back there for the last ten, so I'm going to
2 try to keep it brief, hit some hot points.

3 Here's the good news. The good news is this
4 Board and your staff have done an excellent job of
5 responding to this rule. I think it's appropriate. It's
6 been professional. It's been timely. And I think you and
7 especially your staff deserve a big round of applause for
8 that for taking it seriously, understanding the impacts of
9 this proposed rule, which are potentially devastating.

10 I'm not going to highlight the bad news. If
11 there's any good news out of this, it's highlighted
12 perhaps, or raised the profile of organics diversion, how
13 important it is. Four million tons of organics diversion
14 in just these four counties, 170 jurisdictions, four
15 million tons of green waste. That's huge. This is
16 incredible.

17 I find it a little ironic being here almost a
18 year later, October 5th, 2000, Jeff Watson of your staff,
19 John Richardson, Michelle a few other people were here
20 when they first rolled this rule out. Then about nine
21 months went by and suddenly we've got to get this rule
22 done by the end of the year.

23 So I think if there's anything to come out of
24 this, we've -- well, two things, AQMD and the Waste Board
25 have to work closely. I know you guys have made as many

1 overtures as you possibly can. You're working diligently
2 to try to work with the AQMD. This meeting is an
3 excellent example of that and I applaud that.

4 Clearly, the implementation schedule of this rule
5 has got to be moved back. This is just way to fast a
6 track, given that we have not spent nearly enough time on
7 this issue, based on what we've heard and things we
8 haven't even had brought up yet, as far as the lack of
9 data, the cost impacts, the diversion impacts. We need
10 some time to really consider this.

11 And with that, I'll yield to other speakers.

12 Thank you.

13 CHAIRPERSON MOULTON-PATTERSON: Thank you, Mr.
14 Cotton.

15 Sean Edgar to be followed by Kelly Astor.

16 MR. EDGAR: Madam Chair and Board Members, Sean
17 Edgar on behalf of the California Refuse Removal Council,
18 a nonprofit association made up of more than 100 private
19 independent solid waste and recycling companies throughout
20 the State of California. Thanks for the opportunity to
21 let me address very briefly some of the issues. I won't
22 belabor the details. Dad always told me don't beat a dead
23 horse, but I wanted to add just a few comments.

24 With regard to applauding the Waste Board's
25 leadership and your staff, in particular for moving

1 forward on the latest package recognizing that there are
2 in Title 14 a consistent improvement, I wanted to
3 recognize your staff and your efforts to improve the
4 situation of compost throughout the State. Also, I wanted
5 to indicate that we respect your authority in enhancing
6 our ability as service providers to more effectively
7 maintain our resource recovery programs and operations at
8 over 100 material recovery facilities and transfer
9 stations, 20 compost facilities in the State.

10 That having been said, Ms. Friedman echoed our --
11 I echo Ms. Friedman's sentiments about the collection
12 network that has been established. Our companies are
13 intimately involved in many of the more than 520 curbside
14 collection programs throughout the State. We perform that
15 collection. We process through chipping and grinding and
16 into composting facilities. And whereas, Ms. Tabor from
17 air district staff indicates that the district is serious
18 about VOC reductions, we're also serious about air
19 quality, environmental protection, because that's our job
20 every day of the week, but we're also serious about
21 fulfilling our contracts and obligations under AB 939.

22 Specifically, AB 939 for our companies indicates
23 an investment made to build a reliable and sustainable
24 system of solid waste handling. Why have we done that?
25 That's State law to do that that's been on the books since

1 1989. How do we do that? Who's on the hook?

2 Well, yeah, cities and counties and jurisdictions
3 are responsible. Our companies are also and the ownership
4 of our companies in many cases are individually
5 responsible for maintaining compliance with that law via
6 our contracts. We are serious about maintaining our
7 contracts. We're also very serious about wanting to work
8 with district staff to try and achieve a rule which is
9 workable, and we offer our expertise, if we have any, in
10 the matter.

11 I'll leave with our hope that just as our
12 long-term approach towards solid waste handling and
13 recycling is substantial that that approach must be met
14 with consideration being based that any significant change
15 such as the district's proposed rule must be based on
16 weighing benefits and costs and performing something
17 achievable. Sound policies based on sound science is our
18 hopes for this process.

19 Thank you for your time.

20 CHAIRPERSON MOULTON-PATTERSON: Thank you.

21 Kelly Astor, CRRC followed by Paul Relis.

22 MR. ASTOR: Thank you, Madam Chair and Members.

23 Kelly Astor representing CRRC southern district, the
24 Inland Empire Disposal Association, the Solid Waste
25 Association of Orange County and also the Los Angeles

1 County Waste Management Association. I currently serve as
2 general counsel for each such organization.

3 You've already heard about inadequate testing,
4 flawed data and economic impacts. I received an estimate
5 earlier today at lunch that the compliance costs
6 associated with this rule could exceed \$3 billion. Let me
7 add to that that as a lawyer in the solid waste industry,
8 I am very familiar with dozens, perhaps several dozen,
9 franchise agreements, which is the primary device by which
10 our members are regulated and offer the services that they
11 do.

12 I can tell you that increasingly those contracts
13 provide for guarantees of AB 939 compliance. Sometimes
14 local jurisdictions go a step further and instill their
15 own requirement for waste diversion, which can exceed 50
16 percent. Some of them also contain prohibitions against
17 depositing in landfills material which could otherwise be
18 recycled.

19 Every one of these contracts is at risk of being
20 thrown into default if this rule were to pass in its
21 present form. The stranded investment that would thereby
22 be jeopardized is another several hundred million dollars.

23 I have some experience with the South Coast Air
24 Quality Management District. Two years ago I couldn't say
25 that, but I'm a survivor of Rule 1193, which has their

1 diesel fleet rule. And I can tell you that while staff
2 has been okay to deal with thus far, my experience with
3 1193 was very negative in that we were told throughout
4 that 18-month process don't worry this is a
5 work-in-progress, we'll work with you.

6 And while there was an effort made to do that, at
7 the end of the day, the rule did not contain the kinds of
8 ingredients that it should have to protect industry and to
9 respond to industry's legitimate concerns.

10 We may ultimately enjoy a different experience
11 here. But at this point, I'm not optimistic, because of
12 the very aggressive implementation schedule that this
13 particular staff is advancing.

14 We thank you for your attention to this issue.
15 Other agencies need to get ahold of this. And I'm very
16 concerned on behalf of industry about the disaster that we
17 would all meet were this rule to be adopted in its present
18 form.

19 Thank you.

20 CHAIRPERSON MOULTON-PATTERSON: Thank you.

21 Paul Relis CR&R Incorporated to be followed by
22 Chuck Tobin.

23 MR. RELIS: Madam Chair and members of the Board,
24 thanks for holding this workshop or discussion rather.
25 I'd like to start by just saying, in my view at least,

1 we're not done with organics management. We're still in
2 the early phases. There's a long way to go here. And we
3 don't want to see this whole effort killed at this stage
4 with this rule the way it's drafted.

5 We need firm rules for continued and new
6 investment in this arena. I'd like to just jump to the
7 recommendations that I've submitted to the Chair's office.
8 It's a letter that I prepared to the AQMD. I think a
9 reasonable alternative to the cover proposal in Rule 1133,
10 which is clearly the back breaker here just to start with,
11 is to only impose cover in the bio-solids area where it's
12 deemed to generate -- whether deemed to generate ammonia
13 problems that are documented.

14 It could be that a fallback position for some
15 green waste could be aerated static pile, but again only
16 after -- and that would be in an open environment not
17 closed, but only after convincing evidence that there is
18 an ammonia problem from green waste operations and we
19 haven't seen that.

20 I think at the least while this process is
21 playing out, there should be some communication to the
22 cities who hold the contracts with the private parties to
23 explain what the cost implications of this rule could be
24 and the implications indirectly to their diversion
25 efforts.

1 I believe that we should allow the Waste Board
2 process to run its course. I guess you're revisiting the
3 regulations for composting. You have so many of the
4 aspects of organics management under your purview that I
5 think it rightly belongs, for the most part, there and to
6 roll back the time frame to allow the aforementioned
7 analyses, public dialogue and regulatory synthesis to
8 occur.

9 We have two budding mandates. And right now
10 they're in almost diametrical opposition. We shouldn't be
11 in that position in a regulatory environment in California
12 in the year 2001.

13 Thank you.

14 CHAIRPERSON MOULTON-PATTERSON: Thank you. Chuck
15 Tobin Burtec Waste Industries to be followed by
16 Elizabeth -- I can't quite read it, O-s-t Ostro.

17 MR. TOBIN: Good afternoon. I'm Chuck Tobin with
18 Edco Burtec. I had the pleasure of addressing you
19 yesterday, and I hope to look forward to addressing you
20 today.

21 Like a number of the speakers, I would very much
22 like to congratulate and applaud the State Board and
23 especially Member Jones for taking this issue seriously at
24 an early date. I think the correspondence from the Board
25 to South Coast has been a very thoughtful set of documents

1 and I would certainly hope that South Coast would respond
2 in turn to the issues that you've raised.

3 One thing that concerns me right now is this, and
4 as Mr. Astor pointed out, many of us went through the 1193
5 rule, which was the Alt fuel rule. One of the experiences
6 that we learned there is that you need to begin an early
7 dialogue with the members of the South Coast Air Quality
8 Management Board.

9 Like yourselves, they are the policymakers, they
10 are the ultimate decision makers in the process.
11 Everything leading up to whatever decision they make will
12 be predicated basically on, like yourselves, what their
13 own thoughts and feelings are on the subject.

14 So what we would suggest is is that you consider
15 perhaps in your next return to southern California for
16 your next regularly scheduled Waste Board meeting, that
17 you have a joint session, a joint workshop, a joint
18 meeting with the members of the South Coast Air Quality
19 Management Board, and, at that workshop, that you discuss
20 two things.

21 The first being what is good science in this
22 case. I think what you've already heard is that this rule
23 will spill over to all the other air districts in the
24 State and that it will, in essence, become then an issue
25 which you will have to deal with statewide.

1 So the first issue that you would discuss with
2 them would be a joint research plan, so that you could
3 both have good science before you go to good policy.

4 And the second issue being that with respect to
5 this particular rule that your two boards together
6 determine what the hearing schedule should be for this
7 rule as to what the timing would be that would be most
8 appropriate for your calendars, your respective calendars.
9 Otherwise, what I fear is that what you will hear. I
10 spent plenty of time at this podium in the 1193 process.
11 It's a little ironic to find myself back in the same room.

12 But the same set of speakers will be forced to go
13 back and forth from the South Coast board to your board to
14 the South Coast board to your board. And, basically, what
15 we're looking for is perhaps that between the two of you,
16 you can devise a process whereby you can collect the
17 research and determine a hearing schedule that will be
18 productive for both boards.

19 So on that, thank you very much.

20 CHAIRPERSON MOULTON-PATTERSON: Thank you.

21 Elizabeth, is it Oster?

22 MS. OSTOICH: It's Ostoich.

23 CHAIRPERSON MOULTON-PATTERSON: Oh, okay, I
24 couldn't read it.

25 MS. OSTOICH: That's a tough one.

1 Elizabeth Ostoich with Greschun, Savage, Nolan
2 and Tilden representing Synagro.

3 Ladies and gentlemen, Synagro operates in 38
4 states and it's a publicly traded company. And I heard
5 somebody mention earlier that the mom and pop type
6 operations can't afford to do this. Well, let me tell you
7 that the publicly traded, well-funded corporations can't
8 even afford to comply with Rule 1133 as proposed.

9 There are very few things -- I'm going to speak
10 primarily to you about bio-solids. There are very few
11 things that can be done with bio-solids. We're running
12 out of options.

13 Synagro primarily looks to reuse bio-solids
14 because of the high nitrogen value of the organics. And
15 we have to just face it that bio-solids happen. This
16 district produces approximately 5,000 tons per day in
17 bio-solids. And if Rule 1133, which requires full
18 enclosure, not just the active portions of the compost,
19 but total enclosure of the facility were to take place,
20 the Synagro operation couldn't make it. None of the
21 operations could make it.

22 The reason is that to fully enclose a compost
23 facility on a conservative end would cost approximately
24 \$60 million. To enclose our facility would cost
25 approximately \$60 million. We have run estimates to

1 enclose the active portions plus the receiving and one
2 aerated static pile on the back-end of the compost
3 facility and that costs over \$40 million, which is an
4 extreme amount of money.

5 Given that Synagro at its current location at
6 best has only eight years left on its permit, there's no
7 way we could amortize that cost at the current site with
8 that much time left on the permit. In addition to the
9 above referenced capital costs, Synagro would have to pay
10 approximately \$2.5 million per year in increased energy
11 costs in order to fully enclose the facility.

12 While front-end enclosure is doable in some
13 circumstances and for certain bio-solids facilities, it's
14 not doable for green waste facilities, and it's not doable
15 for all bio-solids compost facilities and certainly isn't
16 necessary for all bio-solids compost facilities, because
17 some are in more remote locations. And the primary reason
18 to enclose is to contain odors.

19 Compose facilities are regulated by the
20 California Integrated Waste Management Board, yourselves,
21 by the Regional Water Quality Control Board, by the EPA
22 through 503 regulations, and by the AQMD. If the AQMD
23 rule passes, you can imagine that some of our local
24 governments are going to want to open up our permits and
25 take another look.

1 It's hard enough to get your permit for the first
2 time, but if you have to enclose your compost facility and
3 make major changes to your operations, all of our permits
4 are subject to be reopened and relooked at. In addition
5 to the fact that Synagro couldn't operate at its current
6 site, we're looking at relocating the facility. In
7 relocating the facility, we're looking at front-end active
8 enclosure.

9 But our market analysis reveals that if full
10 enclosure were required, tip fees -- now full enclosure,
11 back end also, tip fees would increase above \$60 a ton.
12 And I can tell you our market analysis reveals that
13 generators aren't going to pay in the \$60 per ton range.
14 They're going to truck out of the basin or they're going
15 to divert to landfills.

16 Trucking and landfilling create a different set
17 of emissions that the AQMD has not yet considered. And we
18 have to consider that eventually Arizona, and other states
19 and counties will have had enough, and we then when
20 they've had enough, they've taken all of our bio-solids
21 for so long, we won't have the local infrastructure to
22 handle our own waste streams if we drive composting out of
23 business.

24 To put this in perspective -- I'll speak quickly.
25 To put this in perspective, the basin creates about 5,000

1 tons per day in bio-solids. Now, this is bio-solids only.
2 Las Virginius cost between \$20 million and \$25 million to
3 build, a fully enclosed compost facility. And they treat
4 27 tons a day.

5 If you multiply that out -- 27 tons per day. If
6 you multiply that out, it would cost the compost industry,
7 again, bio-solids only, \$3.7 billion to comply with this
8 rule. And why?

9 Because we're looking at a three-tenths of one
10 percent reduction in emissions. That's what we're trying
11 to achieve by Rule 1133, three-tenths of one percent.

12 Thank you.

13 CHAIRPERSON MOULTON-PATTERSON: Thank you.

14 Mary Motava. I hope I'm pronouncing that one
15 right, because that's our last speaker.

16 MS. MOTAVA: Like everyone else here, I'd like to
17 thank you very much for taking the time to consider and to
18 help the composting industry with some of the decisions
19 that need to be made in the very near future with PR 1133.

20 I am the owner and operator of two compost
21 facilities, and process a total of nearly 100,000 tons a
22 year. Thankfully, one of my facilities is not within this
23 district jurisdiction, so I am very thankful for that.
24 But I do know that these regulations tend to have a kind
25 of wave effect into the other jurisdictions.

1 To date, 100 percent of our material that we
2 produce from our compost has been used in the
3 agricultural, urban horticultural and slope stabilization
4 industries. I've attended some of the meetings that AQMD
5 has had, and I'm very distressed when I listen to the
6 comments by staff. There is no trust here with the AQMD
7 staff.

8 There are at least six different agencies, public
9 agencies, that inspect my facilities. And every single
10 time I deal with one of the agencies inspecting, I usually
11 hear real discouraging remarks about how they're
12 understaffed and they're underfunded. And I just don't
13 really understand why South Coast AQMD would take a rule
14 this far, hope to get it approved in January, when they
15 haven't even done the emissions testing.

16 My background is in agricultural chemistry. As a
17 scientist, I have real problems with deciding on what the
18 outcome should be and then doing tests at the last minute.
19 They have no protocol set up for the testing that they're
20 going to do, and yet they have come to the conclusions
21 already.

22 I sincerely hope that your board can work
23 directly with the Board of South Coast AQMD and, again,
24 hold some joint meetings so that maybe we can get to the
25 bottom of this. We all want clean air. We all want to do

1 what's right, but there's absolutely no way that I, as an
2 operator, can stay in business if this rule goes through.

3 Thank you very much for your time.

4 CHAIRPERSON MOULTON-PATTERSON: Thank you.

5 I'd like to thank all the speakers and I really
6 thank you for your cooperation on the time limit.

7 We're sorry we had to impose a time limit, but as
8 you can see there are a lot of speakers.

9 At this time, I'd like to open it up briefly to
10 board members, questions, comments.

11 Mr. Jones.

12 BOARD MEMBER JONES: Madam Chair, I'll do it
13 briefly because I know people have planes to catch. I
14 want to thank everybody, the Air District and the
15 participants. The reason that we had this item today was
16 to see what the impacts of PR 1133 would be on the
17 statewide possibilities of meeting AB 939. I think it's
18 pretty clear that we heard an awful lot of dialogue.

19 I've heard in two meetings that, in fact, the
20 industry will build these facilities. I'd like to see the
21 operator that is going to build an enclosed facility to
22 continue his composting operation?

23 Just raise your hand.

24 Okay, seeing none, I guess that's what I've been
25 trying to get across through these workgroups that, in

1 fact, this will not be one or two businesses that go out
2 of business. This will be an entire industry. And what
3 I'm afraid of is all of that green waste ends up in
4 landfills. All of the sewer sludge ends up in landfills.
5 Landfills will then become the repository not only of the
6 material in this basin, but statewide we are not going to
7 be able to continue the mandate of AB 939 if a region that
8 houses 60 percent of the -- almost 60 percent of the
9 population cannot comply.

10 That's my concern. That's what I wanted to hear.
11 And I do want to continue to work with the air district.
12 You know a lot of people thank me. You need to thank our
13 Chairman and this Board who understood right away what the
14 impacts of this rule were going to be on our mandate.
15 There was ten years of social change through AB 939 that
16 is at risk through this program.

17 We want to see clean air in southern California.
18 We understand your mandate. What we are -- what I am
19 confused about is why we can't work to figure out best
20 management practices with performance standards after
21 we've accumulated the data, as opposed to buildings which
22 we're not sure of those outcomes. That's the dialogue
23 that I think we need to have, because there are techniques
24 and there are obviously, through testimony, people here
25 that are willing to do those techniques to comply.

1 And I hope and I really want to thank the
2 Chairwoman and the members that have seen that this is
3 critical to a ten-year social change and to the compliance
4 of AB 939. And I hope that the Chairwoman allows me to
5 continue to keep working on this project with the Air
6 District and with the Board.

7 CHAIRPERSON MOULTON-PATTERSON: Thank you.

8 Thank you, Mr. Jones and we'll go to Mr. Eaton
9 and then to Mr. Paparian.

10 BOARD MEMBER EATON: I'd just like to echo Mr.
11 Jones' sentiments as well, and thank all of you. But I
12 have -- is it proper to ask questions just briefly of our
13 staff and the air district staff --

14 CHAIRPERSON MOULTON-PATTERSON: Certainly.

15 BOARD MEMBER EATON: -- under this format?

16 If, indeed, as the individual representing
17 Synagro mentioned, that this represents three-tenths of
18 one percent of the emissions, what represents the other 99
19 and seven-tenths percent of ammonia emissions or the
20 emissions of what you're trying to do? Where do they come
21 from in the basin?

22 ORGANICS AND RESOURCE EFFICIENCY BRANCH MANAGER

23 FRIEDMAN: Madam Chair, I think it's best if South Coast
24 Air District answers that question.

25 CHAIRPERSON MOULTON-PATTERSON: Thank you.

1 MS. TABER: This rule, the emissions for ammonia
2 right now is about 5.4 tons per day, we estimate, is
3 coming from composting operations. And the rule is
4 seeking to get a four-ton per day reduction that's for
5 ammonia.

6 For VOCs, the inventory is about 2.6 tons per
7 day, and we're seeking a reduction of 2.3 tons per day
8 reduction. So that is about a medium size rule. We write
9 rules for emission reductions that are less than that.

10 For VOCs, the majority of the emissions are
11 mobile sources. And I think a number of the people
12 commented on some rule-making that we've had with respect
13 to reducing emissions from mobile sources from the PM 10
14 standpoint and then the California Air Resources Board
15 establishes standards for automobiles.

16 BOARD MEMBER EATON: The four ton reduction that
17 you're trying to seek out of the 5.4, are those all from
18 these particular types of operations?

19 MS. TABER: Yes, just from composting operations.

20 BOARD MEMBER EATON: What is the generation that
21 makes up the total amount of emissions in ammonia, what
22 sources? It can't just be compost.

23 MS. TABER: No, it's a lot of different kind of
24 sources.

25 BOARD MEMBER EATON: I mean is there a regulatory

1 scheme that are imposed upon them at the current time?

2 MS. TABER: Yes, because we have such a serious
3 air quality problem, all sources --

4 BOARD MEMBER EATON: I lived here.

5 MS. TABER: Yeah, so all sources are regulated
6 and so we seek to get emissions reductions.

7 BOARD MEMBER EATON: Okay. And then I just have
8 one other, the time line, in the several years that I've
9 been on this Board and also just in public service in and
10 out, a 60-day compliance on a rule seems to be quite
11 extreme. And I know that your board has always had that,
12 but what is the process, in your experience, in extending
13 that past a 60-day where people have to be brought into
14 compliance?

15 MS. TABER: Well, in this particular rule, they
16 have -- in the latest version, they have up to the year
17 2004 to install the controls. So maybe I'm not
18 understanding what you mean by the 60 days.

19 BOARD MEMBER EATON: Maybe I have an old document
20 here that talks about that the Rule 1133 requires a
21 compliance plan no later than March 1st, 2002, which is 60
22 days or less than 60 days after the Board would take
23 action.

24 MS. TABER: Certainly. There's actually two
25 provisions. One is the compliance plan provision that

1 people would establish what measures to reduce emissions,
2 and we are looking to extending that time frame. We've
3 gotten some comments on that, but the actual requirement
4 to install controls they have up to 2004.

5 BOARD MEMBER EATON: Thank you.

6 CHAIRPERSON MOULTON-PATTERSON: Thank you.

7 Mr. Paparian.

8 BOARD MEMBER PAPARIAN: Yeah. Thank you, Madam
9 Chair, just briefly a couple of comments. The issue of
10 whether this is a very small component of the overall air
11 pollution problem in southern California or a bigger
12 component I'd caution my friends in the audience and my
13 friends on the Board that the South Coast Air District is
14 in a very tough position in that they have to go after a
15 lot of seemingly small sources in order to attack the air
16 pollution problem in southern California.

17 So my advice would be to look to the substance of
18 the rules, look at the numbers issues, how much is really
19 being emitted from these sources, whether there are
20 alternative ways to, you know, reduce the emissions, then
21 some of the suggestions that have been made.

22 But in terms of this being a seemingly small
23 component of the air quality problem in southern
24 California, again, that's what the South Coast Air
25 District is trying to do is get a lot of these seemingly

1 small things to add up to something bigger in order to
2 address the air quality problem in southern California.

3 And I don't mean that to diminish, in any way,
4 the arguments that have been made today, other than to
5 just try to put in perspective that the air quality
6 problem in southern California is a very tough issue to
7 deal with that involves dealing with a lot of sources.

8 The other thing I wanted to mention, though, was
9 it seems that there are three -- from what I know, there's
10 three sources of this type of emission. We heard about
11 two of them today, one being bio-solids related, one being
12 green waste related. The third one, I think, was just
13 mentioned very briefly, is agricultural operations.

14 My understanding is there's something on the
15 order of I think it's 1.4 million tons of manure produced
16 in the South Coast air district perhaps that might even be
17 just in Riverside County, and that about 356,000 tons a
18 year in windrow composted of that material. And I would
19 imagine that that would be a very high source of ammonia
20 emissions from what I know and what I've smelt of those
21 kinds of operations.

22 I'm wondering a couple of things. One is, I
23 wonder if there could be a response to the question about
24 green waste? It sounded like a lot of the data so far has
25 been from bio-solid related operations a few years ago,

1 and not really green waste operations. I wonder if we
2 could have a response about whether we have good data
3 about what really gets emitted from a green waste type
4 operation. And I'd also be curious as to whether similar
5 controls are being proposed in terms of in-vessel
6 composting for the manure that's being produced in the air
7 district.

8 MS. TABER: Sure. I'd be happy to respond to
9 those questions. First of all, with respect to green
10 waste, some of the source tests that we had were of
11 facilities that did both bio-solids and green waste. But
12 we heard comments from the community wanting us to do a
13 source test only on green waste, and so we're responding
14 to that public comment and we are doing a source test only
15 on a green waste facility to fill that additional
16 information.

17 Your second question was dealing with the manure
18 from dairy agricultural operations. When the manure is on
19 the individual dairy farm, it would not be subject to rule
20 1133. We have a separate rule-making process that is
21 looking at that kind of operation.

22 Once the dairy manure, though, goes to a
23 composting facility, then it would be subject to Rule
24 1133.

25 BOARD MEMBER PAPARIAN: Okay. And then some of

1 the people testified that they seemed to be not satisfied
2 with the information that's being developed on the green
3 waste emissions. Are you feeling like you're going to be
4 able to answer their questions and concerns about the type
5 of data that's available?

6 I don't know what kind of data is really being
7 looked at. Do you feel like your look at the green waste
8 is going to answer those questions that are being asked
9 about the emissions from green waste facilities?

10 MS. TABER: Yes, we do believe that's going to
11 happen. We have a number of interested individuals
12 including a representative from your staff that's
13 participating in the development of the protocol to
14 conduct that emissions source test. And then we'll be
15 conducting that emissions source test and we'll be sharing
16 it with the community.

17 We have our own source test information on
18 bio-solids. And, in addition, we've been able to collect
19 information from other enclosed facilities that have
20 bio-filters in the United States, and so those are other
21 sources of information, we'll be able to augment our own
22 data here.

23 BOARD MEMBER PAPARIAN: I wonder if I just might
24 ask my fellow Board Member, Mr. Jones, if he's comfortable
25 that the type of data that people are asking for is going

1 to be gotten through the process that was just described.

2 BOARD MEMBER JONES: Thanks, Mr. Paparian.

3 From what I understand, is this still going to
4 be -- is this going to be the flux chamber test or is this
5 going to be this new infrared trick deal?

6 MS. TABER: We're actually going to be using two
7 instruments, one is the flux chamber. In addition, we're
8 going to be using another side-by-side piece of equipment
9 that we believe may give more accurate emissions, but
10 we'll have both. We'll have the flux chamber and the
11 newer technology.

12 The reason we think the newer technology will be
13 helpful is because the green waste composting piles are
14 not uniform, and it makes it difficult to get emissions
15 estimates off of it and we think this other technology may
16 be more helpful, but we'll have the flux chamber to
17 compare it to.

18 BOARD MEMBER JONES: And then you'll be comparing
19 the results of both to see if, in fact, they are
20 transferable?

21 MS. TABER: Exactly. And then we'll be comparing
22 that flux chamber data, we can compare it to the other
23 information we have on bio-solids.

24 BOARD MEMBER JONES: Thank you.

25 I think, Mr. Paparian, just to answer your

1 question, that this testing, as you know, we allocated
2 dollars at this Board meeting to help in testing, that
3 we've offered. I know that industry sources, local
4 governments, as well as whoever else, would help in that
5 testing.

6 I think the test data both for bio-solid
7 co-composting facilities and for green waste is probably
8 at the heart of this whole issue as to how recent it is
9 and how accurate it is. And I think that one of the
10 things we've got to offer the Board Members of the South
11 Coast Air District is to work in unison with them to get
12 consistent new test data and then to offer -- I know what
13 you're saying about the small amounts, and I, in no way,
14 want to dismiss what they can get.

15 What I'm very concerned about are the best
16 management practices that could be put in development with
17 the air district and our regulations as performance
18 criteria that can be done to get the same reductions or,
19 hopefully, I mean, that's what we'd have to work on,
20 without building buildings.

21 And that's, I think, the heart of the issue. And
22 if we can offer those kinds of alternatives to the South
23 Coast members, then they get what they need, the staff
24 gets what it needs. We've got to figure out how they're
25 going to be able to test the results of those emissions

1 using best management practices, but it keeps an entire
2 industry in business and that material out of landfills.
3 And I think that's the key to the issue, personally.

4 CHAIRPERSON MOULTON-PATTERSON: Thank you.
5 Senator Roberti and then Mr. Medina.

6 BOARD MEMBER ROBERTI: Yeah, just briefly. I
7 think one of the witnesses testified that the South Coast
8 Air Quality District has not done a study yet on landfill
9 emission problems into the air, did I hear that correctly?
10 Or maybe it would be interesting to know what the extent
11 of their studies on landfill emissions, as far as air
12 quality is concerned. Has that progressed as far as
13 composting facilities emissions?

14 SOUTH COAST AQMD ASSISTANT DEPUTY EXECUTIVE
15 OFFICER TISOPULOUS: I can briefly respond to this. We
16 studied the emissions from the landfill operations, and,
17 in fact, those emissions are being governed by a totally
18 different regulation, 1150.1. It's a totally separate
19 issue than what we are talking about.

20 If I understood the comments that we received
21 today correctly, they were referring to the test that we
22 have regarding the bio-solids and which other operations?

23 Is it mainly bio-solids?

24 Yeah, on bio-solids.

25 And they feel that these are older data as

1 opposed to recent.

2 BOARD MEMBER ROBERTI: Well, here's my
3 observation and I hope you take it to heart at some point,
4 that is that if the argument is correct and it seems
5 plausible to me, that if composting facilities begin to
6 close down, and I know that's not your purpose, that there
7 will be deposited more bio-solid, green waste whatever
8 into landfills. Then we should have some sort of
9 comparative test as to what the possible eventual problem
10 is as far as air quality is concerned, because we may not
11 gain too much as far as air quality is concerned and lose
12 an awful lot as far as composting and reduction of waste,
13 another environmental question, if land fills, in effect,
14 become the repositories of composting facilities that are
15 no more.

16 I mean the two issues in my mind have to be
17 studied concurrently so that we achieve our environmental
18 goals and serve an integrated fashion.

19 SOUTH COAST AQMD ASSISTANT DEPUTY EXECUTIVE
20 OFFICER TISOPULOUS: I wholeheartedly agree with you.
21 Your point is well taken. I want to make sure that one
22 thing is crystal clear over here, we all want to succeed
23 with AB 939. It's our goal as well as your goal. We are
24 all living here in southern California. We want to make
25 sure that your constituents are successful with 939 and

1 you've heard from most of the commenters today, who live
2 also in southern California they also want to breathe
3 clean air and we don't see those two to be in conflict.
4 And so long as we keep our eye on the ball, we can craft a
5 regulation that does achieve both goals.

6 CHAIRPERSON MOULTON-PATTERSON: Thank you.

7 Mr. Medina.

8 BOARD MEMBER MEDINA: Yes, Madam Chair. One of
9 the speakers touched on it very directly where he said
10 that, you know, we have two competing State goals clean
11 air and diversion. And they certainly should not be
12 competing goals.

13 And I heard also in regard to data, you know, one
14 party said there was no data. Another party said the data
15 was not reliable, so I do think that we do need accurate
16 data. And one of the suggestions about joint meetings on
17 this subject between the Air Board and the Waste Board, I
18 think, is a good one. We know that we've done one with
19 the Water Board. I thought that was a success.

20 And also joint research efforts. And, again, I'm
21 glad that I had the opportunity to express the concerns
22 that were heard today. And I look forward to addressing
23 this issue in the near future.

24 CHAIRPERSON MOULTON-PATTERSON: Thank you, Mr.
25 Medina. And, in conclusion, I would just like to say I

1 certainly know what Mr. Paparian is talking about. I was
2 born in Los Angeles and I've lived here all my life, so I
3 certainly understand the air quality problems.

4 I am perplexed that this rule is proposed to be
5 adopted in January. I've written to Dr. Burke on August
6 28th, again, on October 10th. I've received no
7 correspondence from Dr. Burke. We would certainly like to
8 have a joint board meeting, but this is a critical issue,
9 and we really need to start talking. And so I'd really,
10 really appreciate it if you could pass that long that
11 we're making every attempt to sit down and talk and really
12 get to the bottom of this.

13 SOUTH COAST AQMD ASSISTANT DEPUTY EXECUTIVE
14 OFFICER TISOPULOUS: If I may respond for a few seconds,
15 Ms. Taber was telling me that -- my tenure with this
16 particular program is only one week old, so I'm relying on
17 Ms. Taber.

18 CHAIRPERSON MOULTON-PATTERSON: I'm sorry.

19 SOUTH COAST AQMD ASSISTANT DEPUTY EXECUTIVE
20 OFFICER TISOPULOUS: That's all right. She was telling me
21 that we have actually responded to your letter to your
22 staff, and we are looking forward to working with all of
23 you as well as your staff, as well as the impacted
24 industry of course.

25 Regarding the January deadline that we are

1 talking about, yes, this is what was indicated in our rule
2 forecast report. But I want to make sure that you all
3 understand, that unless we complete our assessment and we
4 are 100 percent certain that we have a proposal that is
5 both technically as well as an economically feasible
6 proposal that we can all live with, we are not going to
7 bring it before our board. And if that deadline has to be
8 postponed well, so be it, we are going to postpone it. So
9 we are going to make sure that we are going to complete
10 the job.

11 CHAIRPERSON MOULTON-PATTERSON: I really
12 appreciate that, and I really appreciate you all being
13 here. And this is a great first step. And thank you and
14 thank you to the audience and the people that spoke.

15 This meeting is adjourned.

16 (Thereupon the California Integrated
17 Waste Management Board meeting was
18 adjourned at 3:35 p.m.)

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1 CERTIFICATE OF REPORTER

2 I, JAMES F. PETERS, a Certified Shorthand
3 Reporter of the State of California, and Registered
4 Professional Reporter, do hereby certify:

5 That I am a disinterested person herein; that the
6 foregoing California Integrated Waste Management Board
7 meeting was reported in shorthand by me, James F. Peters,
8 a Certified Shorthand Reporter of the State of California,
9 and thereafter transcribed into typewriting.

10 I further certify that I am not of counsel or
11 attorney for any of the parties to said meeting nor in any
12 way interested in the outcome of said meeting.

13 IN WITNESS WHEREOF, I have hereunto set my hand
14 this 29th day of October, 2001.

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22 JAMES F. PETERS, CSR, RPR

23 Certified Shorthand Reporter

24 License No. 10063

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